

UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONTU.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2021 MAR -3 PM 4:10

JOHN M. MILLER,

Plaintiff

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant

Civil Action No. 5:20-cv-19

CLERK

BY

DEPUTY CLERK

ORDER ON MOTION FOR ATTORNEYS  
FEES PURSUANT TO THE EAJA

Pursuant to the power of this Court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's October 15, 2020, Judgment and Order remanding this case to the defendant Commissioner for further administrative proceedings.

Counsel for the Defendant's February 16, 2021 response to EAJA indicates he has no objection to the amended EAJA application filed on February 1, 2021.


IT IS HEREBY ORDERED that the United States Social Security Administration shall pay attorney's fees in the amount of Two Thousand, Seven Hundred and Twenty-One dollars and Sixty-Six cents (\$2,721.66) in full satisfaction of any and all attorney's fee claims Plaintiff may have in this case under the Equal Access to Justice Act.

Pursuant to the United States Supreme Court's ruling in *Commissioner of Social Security v. Ratliff*, 130 S.Ct. 1251 (2010), these attorney fees are payable to Plaintiff as prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this

award of attorney's fees to offset, the Commissioner may honor the Plaintiff's January, 24, 2020 signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff.

SO ORDERED.

Dated in Rutland, in the District of Vermont, this Third day of March, 2021.

A handwritten signature in black ink, appearing to read 'G. Crawford', is written above a horizontal line.

Geoffrey W. Crawford, Chief Judge  
U. S. District Court